

EXHIBIT

A

SUMM

District Court
CLARK COUNTY, NEVADA

Shannon Green, an individual;

Plaintiff,

vs.

Allegiant Air, LLC, a Nevada limited liability
company; EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20, inclusive,

Defendants.

Case No. A-14-711288-C

Dept. No. V

SUMMONS

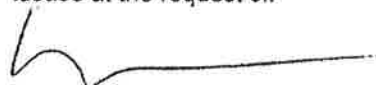
**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A Civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

ALLEGIANT AIR, LLC c/o SCOTT SHELDON


1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
 - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
 - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the request of:


Christian Gabroy
Nevada Bar No. 8805
170 S. Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Attorney for Plaintiff

STEVEN D. GRIERSON, CLERK OF COURT

By:


CHAUNTEL BAHN

DEC 23 2014

Deputy Clerk
County Courthouse
200 South Third Street
Las Vegas, Nevada 89101

Date

*NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).

STATE OF _____)
) ss: AFFIDAVIT OF SERVICE
COUNTY OF _____)

_____, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, on the ____ day of _____, 2014 and served the same on the ____ day of _____, 2014 by:

(affiant must complete the appropriate paragraph)

1. delivering and leaving a copy with the defendant _____ at (state address) _____.
2. serving the defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the defendant's usual place of abode located at (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. serving the defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. with _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. with _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage prepaid (check appropriate method):

____ Ordinary mail
____ Certified mail, return receipt requested
____ Registered mail, return receipt requested

addressed to the defendant _____ at the defendant's last known address which is (state address) _____.

Executed this ____ day of _____, 20____.

Signature of person making service

SUBSCRIBED AND SWORN to before me this

____ day of _____, 2014.

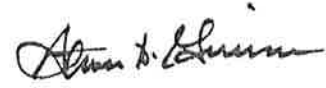
NOTARY PUBLIC in and for said County
and State

My commission expires:

EXHIBIT

B

Electronically Filed
12/17/2014 12:36:34 PM



CLERK OF THE COURT

COMP

GABROY LAW OFFICES
Christian Gabroy (#8805)
Ivy Hensel (#13502)
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
ATTORNEYS FOR PLAINTIFF

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA

Shannon Green, an individual;

Plaintiff,

vs.

Allegiant Air, LLC, a Nevada limited
liability company;
EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Defendants.

Case No.: A-14-711288-C

Dept.: v

COMPLAINT

(JURY DEMAND)

COMES NOW Plaintiff Shannon Green ("Plaintiff" or "Green,") by and through her attorney, Christian Gabroy, Esq. of Gabroy Law Offices, and hereby alleges and complains against Defendant Allegiant Air, LLC ("Defendant" or "Allegiant Air") as follows:

JURISDICTION AND VENUE

1. This is a civil action for damages under state and federal laws prohibiting unlawful employment actions and to secure the protection of and to redress deprivation of rights under these laws.

2. Jurisdiction and venue is based upon 28 U.S.C. § 2617(a)(2), NRS Chapter 613, 42 U.S.C. §2000e, *et. seq.*

1 3. Plaintiff demands a jury trial on all issues triable by jury herein.

2 4. All alleged unlawful employment actions occurred in this judicial district.

3 THE PARTIES

4 5. Plaintiff, at all relevant times, was an employee of Defendant as that term is
5 defined in Title VII of the Civil Rights Act of 1964, 42 USC §2000e, and NRS Chapter 613.

6 6. At all times relevant, Defendant was a domestic limited liability company
7 organized under the laws of Nevada. Defendant was Plaintiff's employer as that term is
8 defined by 42 U.S.C.A §2000e and NRS Chapter 613.

9 7. DOE DEFENDANTS I-X, inclusive, are persons and ROE DEFENDANTS
10 XI-XX, inclusive, are corporations or business entities (collectively referred to as
11 "DOE/ROE DEFENDANTS"), whose true identities are unknown to Plaintiff at this time.
12 These ROE CORPORATIONS may be parent companies, subsidiary companies, owners,
13 predecessor or successor entities, or business advisors, de facto partners, Plaintiff's
14 employer, or joint venturers of Defendants. Individual DOE DEFENDANTS are persons
15 acting on behalf of or at the direction of any Defendants or who may be officers,
16 employees, or agents of Defendants and/or a ROE CORPORATION or a related business
17 entity. These DOE/ROE Defendants are Plaintiff's employer(s) and are liable for
18 Plaintiff's damages alleged herein for their unlawful employment actions/omissions.
19 Plaintiff will seek leave to amend this Complaint as soon as the true identities of
20 DOE/ROE DEFENDANTS are revealed to Plaintiff.

21 PROCEDURAL REQUIREMENTS

22 8. Plaintiff has satisfied all administrative and jurisdictional requirements
23 necessary to maintain this lawsuit. Plaintiff timely filed her charges of discrimination with
24 the Equal Employment Opportunity Commission ("EEOC") on or about November 2,
25

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1 2012. A true and correct copy of Plaintiff's charge of discrimination is attached hereto as
2 Exhibit I. Such allegations of Exhibit I are hereby incorporated herein this Complaint.

3 9. On or about September 29, 2014, the EEOC issued Plaintiff a Notice of
4 Right to Sue. See a true and correct copy of Plaintiff's right to sue attached hereto as
5 Exhibit II.

6 **FACTUAL ALLEGATIONS**

7
8 10. On or about August 31, 2005, Plaintiff was hired by Defendant and began
9 work for Defendant as a first officer.

10 11. Plaintiff proved to be an exemplary employee.

11 12. Plaintiff is a female.

12 13. Plaintiff was degraded, harassed, and spoken to in a condescending
13 manner while working as a first officer to Captain Robinson. While working with Captain
14 Robinson, he would make humiliating comments towards Plaintiff and become extremely
15 agitated towards her.

16
17 14. While working with Captain Robinson, when requesting a checklist referred
18 to as the "below the line" checklist, Captain Robinson would state "blow me" to Plaintiff.

19 15. During flight, while reading a newspaper, Captain Sessums, a male captain,
20 passed a photo in the newspaper of models wearing only lingerie to Plaintiff and stated,
21 "I'm sure you'd be interested in this."

22
23 16. Captain Blackwood, a male captain and check airman, would take Plaintiff's
24 hand and massage it. In addition, Captain Blackwood rubbed his moustache along
25 Plaintiff's arm on subsequent occasions.

26 17. In or around April of 2011, Plaintiff completed the written exam for initial 757
27 ground school.

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1 18. In or around May of 2011, Plaintiff completed first officer simulator training,
2 the corresponding written exam, and the simulator check ride.

3 19. In or around July of 2011, Plaintiff completed first officer initial operating
4 experience ("IOE").

5 20. Plaintiff was informed that management had an issue with the way that
6 Plaintiff styled her hair. Subsequently, Plaintiff began to tie her hair up.

7 21. In or around October of 2011, Plaintiff was qualified and had seniority to
8 begin captain upgrade training. Plaintiff was overlooked to begin captain upgrade training
9 while a male pilot with less seniority than Plaintiff was favored and allowed to begin
10 captain upgrade training.

11 22. Subsequently, Plaintiff protested to Defendant that she was overlooked to
12 begin captain upgrade training. After protesting, Plaintiff was able to begin captain
13 upgrade training.

14 23. In or around October of 2011, Plaintiff completed recurrent ground school
15 and the corresponding written exam.

16 24. In or around November of 2011, Plaintiff completed captain simulator
17 training, the corresponding oral exam, and the simulator ride check.

18 25. In or around December of 2011, Plaintiff was scheduled to complete captain
19 IOE training with Captain Robinson as the Check Airman.

20 26. Plaintiff expressed her fear of being assigned to complete captain IOE
21 training with Captain Robinson due to past harassment and discrimination.

22 27. Plaintiff requested to be assigned to another Check Airman other than
23 Captain Robinson. Such request was denied.

24 28. Prior to Plaintiff's captain IOE training exercise with Captain Robinson,
25
26
27
28

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1 Captain Robinson stated to co-workers of Plaintiff that "there [was] no way Shannon
2 Green is going to pass IOE because I am going to take her down."

3 29. During the captain IOE training exercise with Captain Robinson, Plaintiff is
4 required, according to policy and procedure, to direct the Check Airman to lower the
5 airplane flaps to slow the airplane down and prepare for landing. According to policy and
6 procedure, Plaintiff is not allowed to lower the flaps herself.

7 30. During the captain IOE training exercise with Captain Robinson, upon
8 Plaintiff's first request to lower the flaps, Captain Robinson refused. The airplane
9 continued to approach the landing. Plaintiff again requested that Captain Robinson lower
10 the flaps. Captain Robinson again refused to lower the flaps.

11 31. There was no mechanical reason for Captain Robinson to refuse to lower
12 the flaps when Plaintiff requested it.

13 32. As a result of and during Plaintiff's experience during her captain IOE
14 training exercise with Captain Robinson, she experienced extreme distress.

15 33. Subsequently, Plaintiff opposed the harassment, discrimination, and
16 treatment that she experienced.

17 34. Plaintiff contacted Fleet Manager and Check Airman, Mr. Bob Jones, to
18 oppose the harassment, discrimination, and treatment that she experienced.

19 35. In addition, Plaintiff contacted Chief Pilot, Mr. Mark Grock, and the Director
20 of Flight Standards and Training, Mr. Steve Ostrander, to oppose in writing the
21 harassment, discrimination, treatment, and adverse working conditions that Plaintiff
22 experienced.

23 36. In or around January 2012, in response to Plaintiff's opposition to adverse
24 working conditions, Defendant held a review board consisting of seven males.
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1 37. Customarily, a review board is held when a pilot fails a training event.

2 38. Plaintiff did not fail a training event.

3 39. During the review board, Plaintiff informed the review board that she
4 experienced hostility and stress during captain IOE training with Captain Robinson.

5 40. In or around February of 2012, following the review board, Plaintiff was
6 terminated by Defendant.

7
8 COUNT I
9 SEXUAL DISCRIMINATION/HARASSMENT
10 TITLE VII 42 USC §2000e-2; NRS 613.330

11 41. Plaintiff hereby realleges and incorporates paragraphs 1 through 40 of this
12 Complaint as though fully set forth herein.

13 42. As set forth, Plaintiff is a member of a protected class, female.

14 43. Plaintiff was discriminated against and terminated on the basis of her sex.

15 44. Defendant made unlawful statements degrading and harassing Plaintiff as a
16 female. Such actions constitute unlawful sex discrimination and harassment.

17 45. Plaintiff was inappropriately touched by male agents of Defendant who had
18 seniority over her.

19 46. Despite Plaintiff's seniority, Defendant did not initially allow Plaintiff to begin
20 captain upgrade training, but allowed a male with less seniority to begin captain upgrade
21 training.

22 47. Plaintiff opposed the harassment, discrimination, and adverse working
23 conditions she experienced.

24 48. Defendant has acted willfully and maliciously, and with oppression, fraud, or
25 malice, and as a result of Defendant's wrongful conduct, Plaintiff is entitled to an award of
26 exemplary or punitive damages.
27
28

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1 49. The acts and/or omissions of the Defendant and their agents complained of
2 herein are in violation of Title VII/NRS 613.330 *et. seq.* by creating a hostile work
3 environment for Plaintiff and terminating Plaintiff on the basis of her sex.

4 50. This treatment was sufficiently severe or pervasive as to alter the
5 compensation, terms, conditions, or privileges of her employment, and limited and
6 deprived Plaintiff of employment opportunities which adversely affected her status as an
7 employee.

8 51. The conduct of Defendant has been malicious, fraudulent or oppressive and
9 was designed to vex, annoy, harass or humiliate Plaintiff and, thus, Plaintiff is entitled to
10 punitive damages with respect to her claim.

11 52. As a result of Defendants' conduct, as set forth herein, Plaintiff has been
12 required to retain the services of an attorney and, as a direct, natural, and foreseeable
13 consequence thereof, has been damaged thereby, and is entitled to reasonable attorney's
14 fees and costs.

15
16
17 COUNT II
18 RETALIATION
19 TITLE VII 42 USC §2000e-3(a)/NRS 613.340

20 53. Plaintiff hereby realleges and incorporates paragraphs 1 through 52 of this
21 Complaint as though fully set forth herein.

22 54. As more set forth above, Defendant retaliated against Plaintiff when she
23 opposed unlawful conduct, in good faith, as detailed in her internal complaint and review
24 with Defendant.

25 55. A temporal proximity exists in relation to Plaintiff's internal complaints of
26 unlawful conduct and Plaintiff's resulting termination. Defendant subjected Plaintiff to
27 undeserved disciplinary conduct and eventual termination almost immediately after
28

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1 Plaintiff notified Defendant verbally and in writing that she believed she was being
2 subjected to adverse working conditions.

3 56. Defendant retaliated against Plaintiff when she opposed discrimination and
4 unlawful conduct by terminating Plaintiff and subjecting her to harassing behavior.

5 57. This retaliatory action was in response to Plaintiff's opposition to
6 Defendant's unlawful discrimination.

7 58. Defendant's aforementioned conduct constituted retaliation and adverse
8 employment action in violation of NRS 613.340 and 42 USC §2000e-3(a) which prohibit
9 discrimination against an employee who opposes an unlawful employment practice.

10 59. Defendant specifically targeted Plaintiff because she opposed unlawful
11 employment practices including sex discrimination.

12 60. Defendant took adverse actions against Plaintiff because she complained of
13 her disparate treatment and, as a result, Defendant has engaged in a discriminatory practice
14 with malice and/or reckless disregard to Plaintiff's protected rights. As a result, Plaintiff has
15 been damaged.

16 61. As a direct and proximate result of Defendant's unlawful activity, Plaintiff has
17 sustained damages in excess of Ten Thousand Dollars (\$10,000.00).

18 62. The conduct of Defendant has been malicious, fraudulent, or oppressive and
19 was designed to vex, annoy, harass, or humiliate Plaintiff and thus Plaintiff is entitled to
20 punitive damages with respect to her claim against this Defendant.

21 63. Plaintiff has been forced to obtain counsel to seek redress for Defendant's
22 legal violations and thus is entitled to recoup her attorney's fees and costs.

23 **WHEREFORE**, Plaintiff prays for a judgment against Defendant as follows:

24 A. For general damages in excess of \$10,000.00;

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- B. For special damages, where applicable, in excess of \$10,000.00;
- C. For compensatory damages in excess of \$10,000.00;
- D. For reasonable attorneys' fees and costs incurred in filing this action;
- E. For punitive damages on claims warranting such damages;
- F. Such other and further relief as this Court deems appropriate and just.

Dated this ____ day of December 2014.


Respectfully submitted,

GABROY LAW OFFICES

By /s/ Christian Gabroy
CHRISTIAN GABROY (#8805)
The District at Green Valley Ranch
170 South Green Valley Parkway,
Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704

EXHIBIT I

EEOC Form 3 (11/05)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 485-2012-00457	
California Department Of Fair Employment & Housing and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Ms. Shannon M. Green		Home Phone (Incl. Area Code) 	
Date of Birth 05-12-1964			
Street Address 		City, State and ZIP Code 	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name ALLEGIAN AIR LLC		No. Employees, Members 500 or more	
Phone No. (Include Area Code) (702) 851-7300			
Street Address 8360 S. Durango Drive, Las Vegas, NV 89113		City, State and ZIP Code 	
Name 		No. Employees, Members 	
Phone No. (Include Area Code) 			
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify):		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04-1-2011 02-03-2012 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>Since August 2005, I have been employed by Respondent as a Pilot.</p> <p>Throughout my employment, I have been subjected to differential treatment as a female Pilot by Respondent and Check Airman Captain Gloyd Robinson.</p> <p>Prior to April 2011, I was subjected to degrading sexist comments by Check Airman Captain Gloyd Robinson. On one occasion, during a flight taxi, Robinson yelled "Cock Sucker" after a ground crew made a mistake. In many other instances, instead of asking for a "below the line" checklist, Robinson would say "Blow me".</p> <p>In October 2011, I was passed over for Captain Upgrade Training in favor of a male Pilot who had lesser seniority than me.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
SIGNATURE OF COMPLAINANT 20 OCT 12 		SIGNATURE OF COMPLAINANT 	
Date 		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature		RECEIVED NOV 02 2012 EEOC HLO	

EEOC Form 7 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

485-2012-00457

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

In December 2011, I underwent Captain IOE training with Check Airman Captain Gloyd Robinson. During the training, I asked Robinson to apply the brakes as we were flying into the airport. However, Robinson refused. Just prior to training, Captain Robinson told co-workers "There is no way Shannon Green is going to pass IOE because I am going to take her down."

Shortly thereafter, in December 2011, I informed Fleet Manager Captain Robert Jones and Chief Pilot Captain Mark Grock about Check Airman Captain Gloyd Robinson's behavior towards me.

In January 2012, I was told by Chief Pilot Captain Mark Grock to put my complaint in writing. A review board was held as a result of my complaint. I had to explain details of the hostile work environment in front of panel of seven males.

In February 2012, I was discharged.

I believe I have been discriminated against because of my sex (female) and in retaliation for complaining about discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

28 OCT 12

Date

Shannon Green

Charging Party Signature

EXHIBIT II

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Shannon M. Green
[REDACTED]
[REDACTED]From: Fresno Local Office
2300 Tulare Street
Suite 215
Fresno, CA 93721On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

485-2012-00457

Benjamin A. Lidholm,
Investigator

(559) 487-5795

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Melissa Barrios,
Director

9/29/14

(Date Mailed)

Enclosures(s)

cc: John Krason
Allegiant Employee Relations Manager
ALLEGiant AIR LLC
8360 S. Durango Drive
Las Vegas, NV 89113

EXHIBIT C

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IAFD
GABROY LAW OFFICES
 Christian Gabroy (#8805)
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 christian@gabroy.com
Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA

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Plaintiff,

vs.

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 liability company;
 EMPLOYEE(S)/AGENT(S) DOES 1-10;
 and ROE CORPORATIONS 11-20,
 inclusive,

Defendants.

Case No.: A-14-711288-C

Dept.: v

Initial Appearance Fee Disclosure

Pursuant to NRS Chapter 19, filing fees are submitted for parties appearing in the above-captioned action as indicated below:

Shannon Green, Plaintiff \$270.00

TOTAL REMITTED \$270.00

Dated this 17th day of December 2014.

GABROY LAW OFFICES.

By: /s/ [Signature]
 Christian Gabroy (#8805)
 170 South Green Valley Parkway,
 Suite 280
 Henderson, Nevada 89012
 Tel (702) 259-7777
 Fax (702) 259-7704
 christian@gabroy.com

EXHIBIT D

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
Case No. A-14-711288-C Dept V
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): SHANNON GREEN	Defendant(s) (name/address/phone): ALLEGIAN AIR, LLC, A Nevada Limited Liability Company, AGENT(S) DOES 1-10; AND ROE CORPORATIONS 11-20 INCLUSIVE.
Attorney (name/address/phone): Gabroy Law Offices 170 S Green Valley Parkway, Suite 280 Henderson, NV 89012 (702) 259-7777	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12/17/14

Date

Signature of initiating party or representative

See other side for family-related case filings.

EXHIBIT

E

1 **NOTC**

2 JOHN H. MOWBRAY, ESQ.

3 Nevada Bar No. 1140

4 AMY ABDO, ESQ.

5 Nevada Bar No. 6881

6 KEVIN M. GREEN, ESQ.

7 Nevada Bar No. 12384

8 **FENNEMORE CRAIG JONES VARGAS**

9 300 S. Fourth Street, Suite 1400

10 Las Vegas, Nevada 89101

11 Telephone: (702) 692-8000

12 Email: jmowbray@fclaw.com

13 Email: amy@fclaw.com

14 Email: kgreen@fclaw.com

15 *Attorneys for Defendant*

16 *Allegiant Air, LLC*

17 **DISTRICT COURT**

18 **CLARK COUNTY, NEVADA**

19 SHANNON GREEN, an individual,

20 Plaintiff,

21 v.

22 ALLEGIANT AIR, LLC, a Nevada
23 Limited Liability Company;
24 EMPLOYEE(S)/AGENT(S) DOES 1-10;
25 and ROE CORPORATIONS 11-20,
26 inclusive,

Defendants.

CASE NO. A-14-711288-C

DEPT NO.: V

**NOTICE OF FILING NOTICE OF
REMOVAL TO UNITED STATES
DISTRICT COURT**

TO THE HONORABLE COURT, CLERK OF THE COURT, ALL INTERESTED
PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Allegiant Air, LLC ("Allegiant") has removed
this action to the United States District Court for the District of Nevada pursuant to 28 U.S.C.
§§ 1331, 1367, 1441(a), and 1446, by the filing of a Notice of Removal in the United States
District Court for the District of Nevada on January 20, 2015. A true and correct copy of
Allegiant's Notice of Removal (without exhibits) is attached as Exhibit A.

1 DATED: January 20, 2015.

2 FENNEMORE CRAIG JONES VARGAS

3
4 By: /s/ Amy Abdo

5 John H. Mowbray, Esq.
6 Nevada Bar No. 1140
7 Amy Abdo, Esq.
8 Nevada Bar No. 6881
9 Kevin M. Green, Esq.
10 Nevada Bar No. 12384
11 300 S. Fourth Street, Suite 1400
12 Las Vegas, Nevada 89101
13 Telephone: (702) 692-8000
14 Facsimile: (702) 692-8099
15
16
17
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20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Fennemore Craig Jones Vargas and that on January 20, 2015, service of the NOTICE OF FILING NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT was made on the following counsel of record and/or parties by (1) depositing a true and correct copy of the same in the U.S. Mail, postage pre-paid, addressed below, and (2) electronic transmission to all parties appearing on the electronic service list in Odyssey E-File & Serve (Wiznet):

Person(s) Served:

Christian Gabroy
Ivy Hensel
Gabroy Law Offices
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, NV 89012
Attorneys for Plaintiff

/s/ Jeannie Hobert
An Employee of Fennemore Craig Jones Vargas

EXHIBIT

A

FENNEMORE CRAIG JONES VARGAS
JOHN H. MOWBRAY, ESQ.
Nevada Bar No. 1140
AMY ABDO, ESQ.
Nevada Bar No. 6881
KEVIN M. GREEN, ESQ.
Nevada Bar No. 12384
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Email: jmowbray@fclaw.com
Email: amy@fclaw.com
Email: kgreen@fclaw.com
Attorneys for Defendant
Allegiant Air, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHANNON GREEN, an individual,

Plaintiff,

v.

ALLEGIANT AIR, LLC, a Nevada
Limited Liability Company;
EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Defendants.

No.

**NOTICE OF REMOVAL TO UNITED
STATES DISTRICT COURT**

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441(a), and 1446 Defendant Allegiant Air, LLC (“Allegiant”) submits this Notice of Removal, which is supported by the following grounds.

1. Allegiant has been served with a Summons and Complaint in a civil matter entitled *Green v. Allegiant Air, LLC et al*, bearing case number A-14-711288-C, which is pending in the Eighth Judicial District Court, Clark County, Nevada, a state court within the District of Nevada. Copies of the Summons and Complaint were served on and received by Allegiant on December 29, 2014 and are attached as Exhibits A and B respectively.

1 2. In addition to the Summons and Complaint, a Civil Cover Sheet and Initial
2 Appearance Fee Disclosure were served on Allegiant. Copies of the Civil Cover Sheet and Initial
3 Appearance Fee Disclosure are attached as Exhibits C and D respectively. A copy of the Notice
4 of Filing Notice of Removal to United States District Court, which Allegiant filed on January 20,
5 2015, is attached as Exhibit E.

6 3. The Summons, Complaint, Civil Cover Sheet, and Initial Appearance Fee
7 Disclosure are all of the pleadings, process, and other papers served on Allegiant to date in this
8 action.

9 4. The Complaint alleges, among other things, that Allegiant: (1) discriminated
10 against and harassed Plaintiff in violation of "Title VII [of the Civil Rights Act of 1964] 42
11 U.S.C. § 2000e-2" and analogous state law (Complaint [Exhibit B], 6:8-7:16); and (2) retaliated
12 against Plaintiff in violation of "Title VII [of the Civil Rights Act of 1964] 42 U.S.C. § 2000e-
13 3(a)" and analogous state law (*id.* at 7:17-8:25).

14 5. Plaintiff's claims for relief under Nevada law are identical to and premised on the
15 same allegations as those pled in support of Plaintiff's claims under Title VII of the Civil Rights
16 Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"). *See generally* Complaint.

17 6. Allegiant has not pled, answered, or otherwise appeared in this action.

18 7. Allegiant filed this Notice of Removal within thirty (30) days after receiving the
19 initial pleading setting forth the claims for relief upon which Plaintiff's action is based. Pursuant
20 to 28 U.S.C. § 1446(b), removal is timely.

21 8. By reason of the foregoing facts: (a) the district courts of the United States have
22 original jurisdiction over this civil action under 28 U.S.C. § 1331 because the Complaint raises
23 questions and asserts right under federal law (*e.g.*, Title VII); (b) the district courts of the United
24 States have supplemental jurisdiction over Plaintiff's state law claims because those claims are so
25 related to Plaintiff's Title VII claims that they form a part of the same case and controversy; and
26 (c) the case is removable pursuant to 28 U.S.C. § 1441.

Accordingly, Allegiant requests that this action be removed from the Eighth Judicial District Court, Clark County, Nevada, to the United States District Court for the District of Nevada and that no further proceedings occur in the Eighth Judicial District Court.

FENNEMORE CRAIG JONES VARGAS

John H. Mowbray, Esq.
Nevada Bar No. 1140
Amy Abdo, Esq.
Nevada Bar No. 6881
Kevin M. Green, Esq.
Nevada Bar No. 12384
300 S. Fourth Street, Suite 1400
Las Vegas, Nevada 89101
Telephone: (702) 692-8000
Facsimile: (702) 692-8099

CERTIFICATE OF SERVICE

Pursuant to Local Rule 5-1, I hereby certify that on January 20, 2015 I electronically transmitted the attached document to the Office of the Clerk of the United States District Court for the District of Nevada using the Court's CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel of record in this matter. A copy also has been sent by U.S. Mail to:

Christian Gabroy
Ivy Hensel
Gabroy Law Offices
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, NV 89012
Attorneys for Plaintiff

/s/ Jeannie Hobert
An Employee of Fennemore Craig Jones Vargas

9871850

EXHIBIT

A

SUMM

District Court
CLARK COUNTY, NEVADA

Shannon Green, an individual;

Plaintiff,

vs.

Allegiant Air, LLC, a Nevada limited liability
company; EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20, inclusive,

Defendants.

Case No. A-14-711288-C

Dept. No. V

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A Civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

ALLEGIANT AIR, LLC c/o SCOTT SHELDON

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

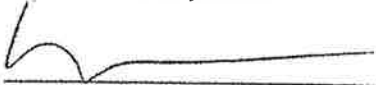
a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the request of:


Christian Gabroy
Nevada Bar No. 8805
170 S. Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Attorney for Plaintiff

STEVEN D. GRIERSON, CLERK OF COURT

By:

CHAUNTEL HAHN

DEC 23 2014

Deputy Clerk

Date

County Courthouse
200 South Third Street
Las Vegas, Nevada 89101

*NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).

STATE OF _____)
COUNTY OF _____)

ss:

AFFIDAVIT OF SERVICE

_____, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, on the ____ day of _____, 2014 and served the same on the ____ day of _____, 2014 by:

(affiant must complete the appropriate paragraph)

1. delivering and leaving a copy with the defendant _____ at (state address) _____.
2. serving the defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the defendant's usual place of abode located at (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. serving the defendant _____ by personally delivering and leaving a copy at (state address) _____.
 - a. with _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. with _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage prepaid (check appropriate method):

____ Ordinary mail
____ Certified mail, return receipt requested
____ Registered mail, return receipt requested

addressed to the defendant _____ at the defendant's last known address which is (state address) _____.

Executed this ____ day of _____, 20 ____.

Signature of person making service

SUBSCRIBED AND SWORN to before me this


____ day of _____, 2014.

NOTARY PUBLIC in and for said County
and State

My commission expires:

EXHIBIT B

Electronically Filed
12/17/2014 12:36:34 PM


CLERK OF THE COURT

COMP

GABROY LAW OFFICES
Christian Gabroy (#8805)
Ivy Hensel (#13502)
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
ATTORNEYS FOR PLAINTIFF

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA

Shannon Green, an individual;

Plaintiff,

vs.

Case No.: A-14-711288-C
Dept.: v

COMPLAINT

(JURY DEMAND)

Allegiant Air, LLC, a Nevada limited
liability company;
EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Defendants.

COMES NOW Plaintiff Shannon Green ("Plaintiff" or "Green,") by and through her
attorney, Christian Gabroy, Esq. of Gabroy Law Offices, and hereby alleges and
complains against Defendant Allegiant Air, LLC ("Defendant" or "Allegiant Air") as follows:

JURISDICTION AND VENUE

1. This is a civil action for damages under state and federal laws prohibiting
unlawful employment actions and to secure the protection of and to redress deprivation of
rights under these laws.

2. Jurisdiction and venue is based upon 28 U.S.C. § 2617(a)(2), NRS Chapter
613, 42 U.S.C. §2000e, *et. seq.*

1 3. Plaintiff demands a jury trial on all issues triable by jury herein.

2 4. All alleged unlawful employment actions occurred in this judicial district.

3 THE PARTIES

4 5. Plaintiff, at all relevant times, was an employee of Defendant as that term is
5 defined in Title VII of the Civil Rights Act of 1964, 42 USC §2000e, and NRS Chapter 613.

6 6. At all times relevant, Defendant was a domestic limited liability company
7 organized under the laws of Nevada. Defendant was Plaintiff's employer as that term is
8 defined by 42 U.S.C.A §2000e and NRS Chapter 613.

9 7. DOE DEFENDANTS I-X, inclusive, are persons and ROE DEFENDANTS
10 XI-XX, inclusive, are corporations or business entities (collectively referred to as
11 "DOE/ROE DEFENDANTS"), whose true identities are unknown to Plaintiff at this time.
12 These ROE CORPORATIONS may be parent companies, subsidiary companies, owners,
13 predecessor or successor entities, or business advisors, de facto partners, Plaintiff's
14 employer, or joint venturers of Defendants. Individual DOE DEFENDANTS are persons
15 acting on behalf of or at the direction of any Defendants or who may be officers,
16 employees, or agents of Defendants and/or a ROE CORPORATION or a related business
17 entity. These DOE/ROE Defendants are Plaintiff's employer(s) and are liable for
18 Plaintiff's damages alleged herein for their unlawful employment actions/omissions.
19 Plaintiff will seek leave to amend this Complaint as soon as the true identities of
20 DOE/ROE DEFENDANTS are revealed to Plaintiff.

21 PROCEDURAL REQUIREMENTS

22 8. Plaintiff has satisfied all administrative and jurisdictional requirements
23 necessary to maintain this lawsuit. Plaintiff timely filed her charges of discrimination with
24 the Equal Employment Opportunity Commission ("EEOC") on or about November 2,
25

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Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704

2012. A true and correct copy of Plaintiff's charge of discrimination is attached hereto as Exhibit I. Such allegations of Exhibit I are hereby incorporated herein this Complaint.

9. On or about September 29, 2014, the EEOC issued Plaintiff a Notice of Right to Sue. See a true and correct copy of Plaintiff's right to sue attached hereto as Exhibit II.

FACTUAL ALLEGATIONS

10. On or about August 31, 2005, Plaintiff was hired by Defendant and began work for Defendant as a first officer.

11. Plaintiff proved to be an exemplary employee.

12. Plaintiff is a female.

13. Plaintiff was degraded, harassed, and spoken to in a condescending manner while working as a first officer to Captain Robinson. While working with Captain Robinson, he would make humiliating comments towards Plaintiff and become extremely agitated towards her.

14. While working with Captain Robinson, when requesting a checklist referred to as the "below the line" checklist, Captain Robinson would state "blow me" to Plaintiff.

15. During flight, while reading a newspaper, Captain Sessums, a male captain, passed a photo in the newspaper of models wearing only lingerie to Plaintiff and stated, "I'm sure you'd be interested in this."

16. Captain Blackwood, a male captain and check airman, would take Plaintiff's hand and massage it. In addition, Captain Blackwood rubbed his moustache along Plaintiff's arm on subsequent occasions.

17. In or around April of 2011, Plaintiff completed the written exam for initial 757 ground school.

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1 18. In or around May of 2011, Plaintiff completed first officer simulator training,
2 the corresponding written exam, and the simulator check ride.

3 19. In or around July of 2011, Plaintiff completed first officer initial operating
4 experience ("IOE").

5 20. Plaintiff was informed that management had an issue with the way that
6 Plaintiff styled her hair. Subsequently, Plaintiff began to tie her hair up.

7 21. In or around October of 2011, Plaintiff was qualified and had seniority to
8 begin captain upgrade training. Plaintiff was overlooked to begin captain upgrade training
9 while a male pilot with less seniority than Plaintiff was favored and allowed to begin
10 captain upgrade training.

11 22. Subsequently, Plaintiff protested to Defendant that she was overlooked to
12 begin captain upgrade training. After protesting, Plaintiff was able to begin captain
13 upgrade training.

14 23. In or around October of 2011, Plaintiff completed recurrent ground school
15 and the corresponding written exam.

16 24. In or around November of 2011, Plaintiff completed captain simulator
17 training, the corresponding oral exam, and the simulator ride check.

18 25. In or around December of 2011, Plaintiff was scheduled to complete captain
19 IOE training with Captain Robinson as the Check Airman.

20 26. Plaintiff expressed her fear of being assigned to complete captain IOE
21 training with Captain Robinson due to past harassment and discrimination.

22 27. Plaintiff requested to be assigned to another Check Airman other than
23 Captain Robinson. Such request was denied.

24 28. Prior to Plaintiff's captain IOE training exercise with Captain Robinson,
25
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1 Captain Robinson stated to co-workers of Plaintiff that "there [was] no way Shannon
2 Green is going to pass IOE because I am going to take her down."

3 29. During the captain IOE training exercise with Captain Robinson, Plaintiff is
4 required, according to policy and procedure, to direct the Check Airman to lower the
5 airplane flaps to slow the airplane down and prepare for landing. According to policy and
6 procedure, Plaintiff is not allowed to lower the flaps herself.

7
8 30. During the captain IOE training exercise with Captain Robinson, upon
9 Plaintiff's first request to lower the flaps, Captain Robinson refused. The airplane
10 continued to approach the landing. Plaintiff again requested that Captain Robinson lower
11 the flaps. Captain Robinson again refused to lower the flaps.

12 31. There was no mechanical reason for Captain Robinson to refuse to lower
13 the flaps when Plaintiff requested it.

14 32. As a result of and during Plaintiff's experience during her captain IOE
15 training exercise with Captain Robinson, she experienced extreme distress.

16 33. Subsequently, Plaintiff opposed the harassment, discrimination, and
17 treatment that she experienced.

18 34. Plaintiff contacted Fleet Manager and Check Airman, Mr. Bob Jones, to
19 oppose the harassment, discrimination, and treatment that she experienced.

20 35. In addition, Plaintiff contacted Chief Pilot, Mr. Mark Grock, and the Director
21 of Flight Standards and Training, Mr. Steve Ostrander, to oppose in writing the
22 harassment, discrimination, treatment, and adverse working conditions that Plaintiff
23 experienced.

24 36. In or around January 2012, in response to Plaintiff's opposition to adverse
25 working conditions, Defendant held a review board consisting of seven males.
26
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28

1 37. Customarily, a review board is held when a pilot fails a training event.

2 38. Plaintiff did not fail a training event.

3 39. During the review board, Plaintiff informed the review board that she
4 experienced hostility and stress during captain IOE training with Captain Robinson.

5 40. In or around February of 2012, following the review board, Plaintiff was
6 terminated by Defendant.

7
8 COUNT I
9 SEXUAL DISCRIMINATION/HARASSMENT
10 TITLE VII 42 USC §2000e-2; NRS 613.330

11 41. Plaintiff hereby realleges and incorporates paragraphs 1 through 40 of this
12 Complaint as though fully set forth herein.

13 42. As set forth, Plaintiff is a member of a protected class, female.

14 43. Plaintiff was discriminated against and terminated on the basis of her sex.

15 44. Defendant made unlawful statements degrading and harassing Plaintiff as a
16 female. Such actions constitute unlawful sex discrimination and harassment.

17 45. Plaintiff was inappropriately touched by male agents of Defendant who had
18 seniority over her.

19 46. Despite Plaintiff's seniority, Defendant did not initially allow Plaintiff to begin
20 captain upgrade training, but allowed a male with less seniority to begin captain upgrade
21 training.

22 47. Plaintiff opposed the harassment, discrimination, and adverse working
23 conditions she experienced.

24 48. Defendant has acted willfully and maliciously, and with oppression, fraud, or
25 malice, and as a result of Defendant's wrongful conduct, Plaintiff is entitled to an award of
26 exemplary or punitive damages.
27

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49. The acts and/or omissions of the Defendant and their agents complained of herein are in violation of Title VII/NRS 613.330 *et. seq.* by creating a hostile work environment for Plaintiff and terminating Plaintiff on the basis of her sex.

50. This treatment was sufficiently severe or pervasive as to alter the compensation, terms, conditions, or privileges of her employment, and limited and deprived Plaintiff of employment opportunities which adversely affected her status as an employee.

51. The conduct of Defendant has been malicious, fraudulent or oppressive and was designed to vex, annoy, harass or humiliate Plaintiff and, thus, Plaintiff is entitled to punitive damages with respect to her claim.

52. As a result of Defendants' conduct, as set forth herein, Plaintiff has been required to retain the services of an attorney and, as a direct, natural, and foreseeable consequence thereof, has been damaged thereby, and is entitled to reasonable attorney's fees and costs.

COUNT II
RETALIATION
TITLE VII 42 USC §2000e-3(a)/NRS 613.340

53. Plaintiff hereby realleges and incorporates paragraphs 1 through 52 of this Complaint as though fully set forth herein.

54. As more set forth above, Defendant retaliated against Plaintiff when she opposed unlawful conduct, in good faith, as detailed in her internal complaint and review with Defendant.

55. A temporal proximity exists in relation to Plaintiff's internal complaints of unlawful conduct and Plaintiff's resulting termination. Defendant subjected Plaintiff to undeserved disciplinary conduct and eventual termination almost immediately after

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(702) 259-7777 FAX: (702) 259-7704

1 Plaintiff notified Defendant verbally and in writing that she believed she was being
2 subjected to adverse working conditions.

3 56. Defendant retaliated against Plaintiff when she opposed discrimination and
4 unlawful conduct by terminating Plaintiff and subjecting her to harassing behavior.

5 57. This retaliatory action was in response to Plaintiff's opposition to
6 Defendant's unlawful discrimination.

7 58. Defendant's aforementioned conduct constituted retaliation and adverse
8 employment action in violation of NRS 613.340 and 42 USC §2000e-3(a) which prohibit
9 discrimination against an employee who opposes an unlawful employment practice.

10 59. Defendant specifically targeted Plaintiff because she opposed unlawful
11 employment practices including sex discrimination.

12 60. Defendant took adverse actions against Plaintiff because she complained of
13 her disparate treatment and, as a result, Defendant has engaged in a discriminatory practice
14 with malice and/or reckless disregard to Plaintiff's protected rights. As a result, Plaintiff has
15 been damaged.

16 61. As a direct and proximate result of Defendant's unlawful activity, Plaintiff has
17 sustained damages in excess of Ten Thousand Dollars (\$10,000.00).

18 62. The conduct of Defendant has been malicious, fraudulent, or oppressive and
19 was designed to vex, annoy, harass, or humiliate Plaintiff and thus Plaintiff is entitled to
20 punitive damages with respect to her claim against this Defendant.

21 63. Plaintiff has been forced to obtain counsel to seek redress for Defendant's
22 legal violations and thus is entitled to recoup her attorney's fees and costs.

23
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26 **WHEREFORE**, Plaintiff prays for a judgment against Defendant as follows:

27 A. For general damages in excess of \$10,000.00;

- 1 B. For special damages, where applicable, in excess of \$10,000.00;
- 2 C. For compensatory damages in excess of \$10,000.00;
- 3 D. For reasonable attorneys' fees and costs incurred in filing this action;
- 4 E. For punitive damages on claims warranting such damages;
- 5 F. Such other and further relief as this Court deems appropriate and just.
- 6

7 Dated this ____ day of December 2014.

8

Respectfully submitted,

GABROY LAW OFFICES

By /s/ Christian Gabroy
CHRISTIAN GABROY (#8805)
The District at Green Valley Ranch
170 South Green Valley Parkway,
Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704

GABROY LAW OFFICES
170 S. Green Valley Pkwy., Suite 280
Henderson, Nevada 89012
(702) 259-7777 FAX: (702) 259-7704

EXHIBIT I

EEOC Form 1 (11/10)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

485-2012-00457

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Shannon M. Green

Home Phone (Incl. Area Code)

Date of Birth

05-12-1964

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ALLEGIAN AIR LLC

No. Employees, Members

500 or more

Phone No. (include Area Code)

(702) 851-7300

Street Address

City, State and ZIP Code

8360 S. Durango Drive, Las Vegas, NV 89113

Name

No. Employees, Members

Phone No. (include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify):

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

04-1-2011

02-03-2012

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

Since August 2005, I have been employed by Respondent as a Pilot.

Throughout my employment, I have been subjected to differential treatment as a female Pilot by Respondent and Check Airman Captain Gloyd Robinson.

Prior to April 2011, I was subjected to degrading sexist comments by Check Airman Captain Gloyd Robinson. On one occasion, during a flight taxi, Robinson yelled "Cock Sucker" after a ground crew made a mistake. In many other instances, instead of asking for a "below the line" checklist, Robinson would say "Blow me".

In October 2011, I was passed over for Captain Upgrade Training in favor of a male Pilot who had lesser seniority than me.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

NOV 02 2012

EEOC 410

20 OCT 12

Date

Shannon M. Green

Charging Party Signature

EEOC Form 7 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

485-2012-00457

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

In December 2011, I underwent Captain IOE training with Check Airman Captain Gloyd Robinson. During the training, I asked Robinson to apply the brakes as we were flying into the airport. However, Robinson refused. Just prior to training, Captain Robinson told co-workers "There is no way Shannon Green is going to pass IOE because I am going to take her down."

Shortly thereafter, in December 2011, I informed Fleet Manager Captain Robert Jones and Chief Pilot Captain Mark Grock about Check Airman Captain Gloyd Robinson's behavior towards me.

In January 2012, I was told by Chief Pilot Captain Mark Grock to put my complaint in writing. A review board was held as a result of my complaint. I had to explain details of the hostile work environment in front of panel of seven males.

In February 2012, I was discharged.

I believe I have been discriminated against because of my sex (female) and in retaliation for complaining about discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

28 OCT 12

Date

Charging Party Signature

EXHIBIT II

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Shannon M. Green
[REDACTED]
[REDACTED]From: Fresno Local Office
2300 Tulare Street
Suite 215
Fresno, CA 93721On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

485-2012-00457

Benjamin A. Lidholm,
Investigator

(559) 487-5795

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Melissa Barrios,
Director

Enclosures(s)

9/29/14

(Date Mailed)

cc:

John Krason
Allegiant Employee Relations Manager
ALLEGiant AIR LLC
8360 S. Durango Drive
Las Vegas, NV 89113

EXHIBIT C

GABROY LAW OFFICES
 170 S. Green Valley Pkwy., Suite 280
 Henderson, Nevada 89012
 (702) 259-7777 FAX: (702) 259-7704

IAFD
 GABROY LAW OFFICES
 Christian Gabroy (#8805)
 The District at Green Valley Ranch
 170 South Green Valley Parkway, Suite 280
 Henderson, Nevada 89012
 Tel (702) 259-7777
 Fax (702) 259-7704
 christian@gabroy.com
 Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA

Shannon Green, an individual;

Plaintiff,

vs.

Allegiant Air, LLC, a Nevada limited
 liability company;
 EMPLOYEE(S)/AGENT(S) DOES 1-10;
 and ROE CORPORATIONS 11-20,
 inclusive,

Defendants.

Case No.: A-14-711288-C
 Dept.: v

Initial Appearance Fee Disclosure

Pursuant to NRS Chapter 19, filing fees are submitted for parties appearing in the above-captioned action as indicated below:

Shannon Green, Plaintiff \$270.00

TOTAL REMITTED \$270.00

Dated this 17th day of December 2014.

GABROY LAW OFFICES.

By: /s/ [Signature]
 Christian Gabroy (#8805)
 170 South Green Valley Parkway,
 Suite 280
 Henderson, Nevada 89012
 Tel (702) 259-7777
 Fax (702) 259-7704
 Christian@gabrov.com

EXHIBIT D

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
 Case No. A-14-711288-C Dept V
 (Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

SHANNON GREEN

Defendant(s) (name/address/phone):

 ALLEGIANT AIR, LLC, A Nevada Limited Liability Company,
 AGENT(S) DOES 1-10; AND ROE CORPORATIONS 11-20
 INCLUSIVE.

Attorney (name/address/phone):

Gabroy Law Offices

170 S Green Valley Parkway, Suite 280

Henderson, NV 89012

(702) 259-7777

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12/17/14

Date

Signature of initiating party or representative

See other side for family-related case filings.

EXHIBIT

E

1 **NOTC**

JOHN H. MOWBRAY, ESQ.

2 Nevada Bar No. 1140

AMY ABDO, ESQ.

3 Nevada Bar No. 6881

KEVIN M. GREEN, ESQ.

4 Nevada Bar No. 12384

FENNEMORE CRAIG JONES VARGAS

300 S. Fourth Street, Suite 1400

Las Vegas, Nevada 89101

6 Telephone: (702) 692-8000

Email: jmowbray@fclaw.com

7 Email: amy@fclaw.com

Email: kgreen@fclaw.com

8 *Attorneys for Defendant*

Allegiant Air, LLC

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 SHANNON GREEN, an individual,

13 Plaintiff,

14 v.

15 ALLEGIANT AIR, LLC, a Nevada
16 Limited Liability Company;
EMPLOYEE(S)/AGENT(S) DOES 1-10;
17 and ROE CORPORATIONS 11-20,
18 inclusive,

19 Defendants.

CASE NO. A-14-711288-C

DEPT NO.: V

**NOTICE OF FILING NOTICE OF
REMOVAL TO UNITED STATES
DISTRICT COURT**

20 TO THE HONORABLE COURT, CLERK OF THE COURT, ALL INTERESTED
21 PARTIES, AND THEIR COUNSEL OF RECORD:

22 PLEASE TAKE NOTICE that Defendant Allegiant Air, LLC ("Allegiant") has removed
23 this action to the United States District Court for the District of Nevada pursuant to 28 U.S.C.
24 §§ 1331, 1367, 1441(a), and 1446, by the filing of a Notice of Removal in the United States
25 District Court for the District of Nevada on January 20, 2015. A true and correct copy of
26 Allegiant's Notice of Removal is attached as Exhibit A.

1 DATED: January 20, 2015.

2 FENNEMORE CRAIG JONES VARGAS

3
4 By: /s/ Amy Abdo

5 John H. Mowbray, Esq.
6 Nevada Bar No. 1140
7 Amy Abdo, Esq.
8 Nevada Bar No. 6881
9 Kevin M. Green, Esq.
10 Nevada Bar No. 12384
11 300 S. Fourth Street, Suite 1400
12 Las Vegas, Nevada 89101
13 Telephone: (702) 692-8000
14 Facsimile: (702) 692-8099
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Fennemore Craig Jones Vargas and that on January 20, 2015, service of the NOTICE OF FILING NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT was made on the following counsel of record and/or parties by (1) depositing a true and correct copy of the same in the U.S. Mail, postage pre-paid, addressed below, and (2) electronic transmission to all parties appearing on the electronic service list in Odyssey E-File & Serve (Wiznet):

Person(s) Served:

Christian Gabroy
Ivy Hensel
Gabroy Law Offices
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, NV 89012
Attorneys for Plaintiff

/s/ Jeannie Hobert
An Employee of Fennemore Craig Jones Vargas

9922230